

**PLANNING AND ZONING COMMISSION
MINUTES
SPECIAL MEETING
MONDAY, NOVEMBER 17, 2014**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Sini, Jr., Voigt

STAFF ATTENDING: Ginsberg, Keating

RECORDER: None

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

Town Plan of Conservation & Development.

Discussion of background data, demographics, conditions and trends affecting Darien, and on-line scoping survey. Acknowledgement of receipt of Vision Statement from Board of Selectmen.

Ms. Cameron introduced Glenn Chalder, Planning Consultant of Planimetrics. Commission members discussed the two draft booklets that Mr. Chalder had put together and distributed. Mr. Chalder said that these are not part of the Plan but they are for discussion and reference purposes only. Mr. Chalder said that he had been at the Library for a public information session earlier in the day and tomorrow he will be at the train station and the Sugar Bowl. He noted that they have set up a survey on the Survey Monkey website. The survey is very brief and only has five or six questions. He is looking for input from many people in the community regarding the Town Plan process.

Commission members spent considerable time discussing the Conditions and Trends Booklet 2. In that booklet, there is lots of information concerning population projections and economic conditions. One of the points was that the population projection of school age children appears to be declining, yet the Board of Education projection for school age children appears to be increasing. Mr. Chalder said that he and Mr. Ginsberg will need to coordinate that information with the Board of Education because they have more current information than the 2000 Census data that he has access to. It was noted that Milone and MacBroom is in the midst of a study to better analyze the situation, and that report is expected to be complete in April 2015.

Mr. Chalder again confirmed that he has public outreach sessions scheduled for the Train Stations, the Library, and the Sugar Bowl on Tuesday the 18th. He will continue to work on the Town Plan and will meet with the Commission in January regarding conservation-related issues.

At about 9:40 p.m., Chairman Cameron then read the following agenda item:

Discussion and deliberation and possible decision on the following:

Subdivision Application #614, Oak Crest Developers, LLC, 56 Maple Street. Proposing to subdivide the existing parcel into two parcels and perform related site development activities.
DECISION DEADLINE: November 17, 2014.

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The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolution aloud because each member has had an opportunity to read the draft prior to the meeting. The motion was made by Mr. DiDonna, seconded by Mr. Olvany and unanimously approved.

Mr. Ginsberg noted that the revised draft resolution reflects concerns voiced by the Commission at the last meeting during their deliberations on that matter. The current draft only changed certain findings within the resolution, but did not change any conditions of approval. Commission members said that there is considerable confusion regarding the lot line locations and area of the property because the deeds and Assessor's map show different information than the survey map. Mr. Olvany said that he reviewed the 1913 original subdivision for this area. The applicant's property appears to be four or five parcels or portions of parcels shown on that rendering. He said that the background and history of the property boundary lines is confusing and he thinks that it should be treated as a three lot subdivision with 10% required open space; although it also seems that it has been recently treated by the Assessor as one tax unit even though it is shown on the Assessor's map as two separate parcels. Mr. Ginsberg said the Assessor has treated the property as one taxable property even though it is listed as two parcels that are merged together. Mr. Sini suggested that a stipulation be added to the resolution to require submission of written confirmation from the Assessor that it is one parcel composed of two smaller pieces.

The following motion was made: That the Planning & Zoning Commission adopt the revised and corrected resolution. The motion was made by Mr. Sini and seconded by Mr. Voigt. Voting in favor were Ms. Cameron, Mr. Sini and Mr. Voigt. Opposed were Mr. DiDonna and Mr. Olvany. The motion passed by a vote of 3-2.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 17, 2014**

Application Number: Subdivision Application #614

Street Address: 56 Maple Street
Assessor's Map #44 Lot #58-#59

Name and Address of Applicant & Property Owner	Oak Crest Developers, LLC 252 Long Neck Point Road Darien, CT 06820
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Name and Address of Applicant's Representative:	Robert F. Maslan, Jr., Esq. Maslan Associates PC 30 Old King's Highway South Darien, CT 06820
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Activity Being Applied For: Proposing to subdivide the existing parcel into two parcels and perform related site development activities.

Subject Property: The property is situated on the south side of Maple Street approximately 275 feet east of its intersection with Lillian Terrace.

Zone: R-1/5

Date of Public Hearing: October 7, 2014

Time and Place: 8:00 p.m. Room 206 Darien Town Hall

Publication of Hearing Notices

Dates: September 26 & October 3, 2014

Newspaper: Darien News

Date of Action: November 17, 2014

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
Friday, November 28, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of the Darien Zoning Regulations and all applicable sections of the Subdivision Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans showing the proposed two lot subdivision, and the testimony contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The property at 56 Maple Street currently contains a residence, a detached garage and a shed on approximately 37,023+/- square feet of land. The property on the western end of the existing site is being divided or cut from the main parcel as part of a "first division", "free cut" or "first split" of the property. This proposed Lot 1 will contain approximately 12,341 square feet of land and is now vacant. The property qualifies for a free cut because it was a single parcel in this same shape and configuration since 1951, when the Darien Subdivision Regulations were enacted.
2. The remaining property located to the east, which totals 24,681 square feet, is the subject of the two-lot subdivision application pending before the Planning & Zoning Commission. The

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applicant proposes to subdivide the property into two lots. The subject property (which remains after the free cut) is .56+/- acres in an R-1/5 Zone. An existing garage on the subject property will need to be relocated or razed to implement this subdivision. If the applicant proposed to divide the existing 37,023+/- square foot parcel into three lots, the open space requirement of the Subdivision Regulations would be applicable and at least 10% of the land area would need to be set aside as permanent open space and would not be counted as part of any building lot. By utilizing the administrative approval for a free cut or first split (creating just two building lots at first) the subdivision of the easterly of the two divided lots is under the threshold that requires open space. During the public hearing, and within the application narrative, the applicant's representative explained that after the implementation of the free cut and the two-lot subdivision, the applicant would seek to implement a lot line adjustment. This is shown as a "Future Division Line" on the submitted August 14, 2014 property survey. Such lot line adjustments are reviewed and acted upon by Department staff.

3. The submitted Executor's Deed from March 2013 notes that the subject property is one tract of land, and is, "...in quantity one (1) acre, more or less..." The submitted portion of the Assessor's Map notes that Lot 58 and 59 total .86 acres (37,461 square feet). The submitted February 2013 survey of the property shows that it is NOT now two lots, but rather, one lot totaling .8499+/- acres or 37,023+/- square feet. It appears that the Assessor has also treated this property as one lot.
4. There are no inland wetlands on the subject property, and no portion of the property is in the flood zone. The property is now served by Aquarion Water Company and public sanitary sewer. The existing sanitary sewer will need to be extended to provide service to the proposed lots.
5. The applicant's representative, Attorney Robert Maslan, showed a map of the proposed free cut lot on the west end of the site at the public hearing, which creates two conforming building lots. He said that the Director of Planning Jeremy Ginsberg has sent a letter indicating that the free cut will be approved, since the lot meets all of the requirements in the R-1/5 Zone.

STORMWATER MANAGEMENT

6. At the public hearing, Commission members and the general public noted their concerns about stormwater management.
7. The submitted stormwater management plans prepared by John Martucci, PE, showed proposed infiltrators to account for stormwater runoff. The proposed subdivision does comply with the Regulations and the drawings indicate a conceptual drainage plan that will need to be refined as the specific house designs are proposed for each property.
8. The plans shown to the Commission do not show specific houses to be constructed. Thus, once the applicant or future owner prepares final house plans and submits them for a necessary Zoning and Building Permit, an associated stormwater management plan shall be submitted. At that time, the applicant or property owner shall prepare a Drainage Maintenance Plan. The Commission notes the need for the applicants to file a Notice of Drainage Maintenance Plan regarding maintenance of the proposed and installed drainage system in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential impacts to adjacent properties.

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NOW THEREFORE BE IT RESOLVED that Subdivision Application #614 is hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The subdivision and other work shall be in accordance with the following plans submitted to and reviewed by the Commission, as required to be modified herein:
 - Property Survey Depicting Two Lot Subdivision of Property prepared for Oak Crest Development LLC, 56 Maple Street, by William W. Seymour & Associates, dated August 14, 2014.
 - Feasibility & Stormwater Management Plan prepared for Oak Crest Development LLC, #56 Maple Street, by LBM Engineering, LLC, dated August 2, 2014.The “free cut” map for the property to the west of this is entitled: “Topographic & Zoning Location Survey First Division of Property prepared for Oak Crest Development LLC 56 Maple Street, by William W. Seymour & Associates, dated February 22, 2013.
- B. All utilities serving these properties shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.
- C. Since there is no new road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.
- D. In accordance with Article IV Section C2 of the Darien Subdivision Regulations, there is no requirement to provide open space as part of this subdivision.
- E. In preparing the final mylar, lot numbers and street addresses shall be verified with the Assessor. Those should be included on the final mylar for filing.
- F. The Planning and Zoning Director shall verify and receive confirmation from the Assessor in writing that the subject property has been taxed as one lot since 1951.
- G. The applicant must make sure that at all times during the redevelopment of the site, the storm water runoff is properly managed to avoid impacts to the neighbors and the street. This shall include, but not be limited to, making provisions for the diversion of water around disturbed areas, sedimentation prevention and control, temporary artificial and/or vegetative cover to minimize erosion of exposed soils, and speedy restabilization of all disturbed areas.
- H. Prior to the issuance of a Zoning Permit for each of the proposed residences, a detailed and site specific drainage plan to accommodate the storm water for the proposed development of the parcel shall be submitted for staff review and action. In addition, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records by the applicant or property owner. The maintenance plan shall require the property owner and all subsequent property owners of each lot to maintain the drainage facilities per the maintenance plan.
- I. No specific sediment and erosion control plan was submitted for the record, since at this time, the exact house footprint locations are unknown. As part of any Zoning and Building Permit application, the applicant shall submit a detailed sediment and erosion control plan (which shall

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include at a minimum, anti-tracking pads and applicable stockpile areas on-site), as required herein.

- J. All sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized. Should dirt from the disturbed site end up in Maple Street, the developer will be responsible for removal of same within 24 hours to avoid adding sediment to the Town's stormwater system.
- K. The property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent property(ies) or the adjacent streets. If such problems do become evident in the future, the owner(s) of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- L. This approval of this subdivision does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. The applicant is in the process of seeking approval from the Sewer Commission for the extension of the sanitary sewer system to accommodate the proposed development. Without that approval and implementation of that approval, the subdivision cannot be implemented as proposed by the applicant. The subdivision map being approved by the Planning and Zoning Commission cannot be filed in the land records until the sewer extension approval has been granted by the Sewer Commission. The Planning and Zoning Commission notes that approval from the Health Department will be needed to abandon the existing septic system. A Demolition Permit for the existing house will need to be obtained from the Building Department. Sewer Connection Permit and Street Opening Permits will be needed from the Department of Public Works/Sewer Services. All Street Openings (driveway curb cuts) shall comply fully with DPW Residential Driveway Specifications.
- M. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the approval as it deems appropriate.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements [the final revised mylar showing lot number(s) and street address(es)], shall be submitted to the Planning and Zoning Department for review and signature. The applicant must obtain a demolition permit and raze the existing garage (and possibly other structures on the site) prior to the signing of the mylar and the filing that mylar map in the Darien Land Records. Because that will take some period of time, the Commission hereby authorizes the applicant up to six months from the date of this action (until April 17, 2015) to demolish or move the garage structure, file the free cut and then file the subdivision map, and appropriate deeds in the Darien Land Records or this approval shall become null and void.

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A "Notice of Drainage Maintenance Plan" shall be filed in the Darien Land Records for each of the three lots prior to the issuance of a Zoning or Building Permit, or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Approval of Minutes

October 28, 2014 Public Hearing/General Meeting

Several changes and clarifications were proposed by Mr. DiDonna, Mr. Olvany, and Mrs. Cameron, discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the corrected minutes. The motion was made by Mr. Sini, seconded by Mr. Olvany and all voted in favor except Mr. Voigt, who abstained because he had not been at the meeting.

November 4, 2014 General Meeting

Several minor modifications and corrections were discussed and agreed upon. The following motion was made: That the Planning & Zoning Commission approve the corrected minutes. The motion was made by Mr. Voigt, seconded by Mr. Olvany and unanimously approved.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved. The meeting was adjourned at 9:55 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

11.17.2014min